

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC
MEDICINE, et al.,

Plaintiffs,

v.

U.S. FOOD AND DRUG
ADMINISTRATION, et al.,

Defendants.

Case No. 2:22-cv-00223-Z

UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF

Pursuant to Federal Rule of Civil Procedure 7 and Local Rule 7.2(b), the States of Mississippi, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming respectfully move for leave to file an amicus brief in support of Plaintiffs' Motion for Preliminary Injunction (Dkt. 6). The parties have stipulated by joint motion that they would not oppose the filing of amicus briefs and that proposed amici would not need to obtain the parties' consent prior to seeking leave from the Court. Dkt. 12 at 1-2.

The proposed amici States have legitimate interests in protecting unborn life, women's health, the medical profession's integrity, and more. Consistent with the Constitution and the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022), these States have adopted laws regulating

abortion—including chemical abortion—that reflect the considered judgments of their citizens and represent the public interest. As the States’ proposed brief explains, the actions by the U.S. Food and Drug Administration on abortion drugs contravene federal law, defy the public-interest determinations made by the amici States, and threaten to undermine the amici States’ enforcement of duly enacted laws on abortion. The States’ proposed brief thus shows why the public interest and equities support injunctive relief against the FDA’s actions. The proposed amici States ask that the Court grant leave to file their proposed brief, which will aid the Court in considering Plaintiffs’ Motion for Preliminary Injunction.

PRAYER

The Court should grant the motion for leave to file an amicus brief and accept the States’ brief for filing.

Dated: February 10, 2023

Respectfully submitted,

LYNN FITCH
Attorney General

/s/ Justin L. Matheny
SCOTT G. STEWART (MS Bar No. 106359)
Solicitor General
JUSTIN L. MATHENY (MS Bar No.
100754)
Deputy Solicitor General
MISSISSIPPI ATTORNEY
GENERAL’S OFFICE
P.O. Box 220
Jackson, MS 39205-0220
Telephone: (601) 359-3680
Fax: (601) 359-2003
justin.matheny@ago.ms.gov
Counsel for Amici Curiae

CERTIFICATE OF CONFERENCE

I certify that the parties stipulated by joint motion that they would not oppose the filing of amicus briefs in this case and that any proposed amici would not need to obtain the parties' consent prior to seeking leave from the Court.

/s/ Justin L. Matheny
JUSTIN L. MATHENY
Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion has been served on all counsel of record by ECF.

Dated: February 10, 2023

/s/ Justin L. Matheny
JUSTIN L. MATHENY
Counsel for Amici Curiae